

117TH CONGRESS  
1ST SESSION

# S. 1884

To ensure that fixed broadband internet access service assisted by any Federal broadband support program meets a minimum level of service.

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IN THE SENATE OF THE UNITED STATES

MAY 27, 2021

Ms. ROSEN (for herself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To ensure that fixed broadband internet access service assisted by any Federal broadband support program meets a minimum level of service.

1       *Be it enacted by the Senate and House of Representa-  
2 tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Broadband Parity Act  
5 of 2021”.

**6 SEC. 2. DEFINITIONS.**

7       In this Act:

1                             (1) AGENCY.—The term “agency” has the  
2 meaning given the term in section 551 of title 5,  
3 United States Code.

4                             (2) FEDERAL BROADBAND SUPPORT PRO-  
5 GRAM.—The term “Federal broadband support pro-  
6 gram” means any of the following programs (or any  
7 other similar Federal program) to the extent the  
8 program offers fixed broadband internet access serv-  
9 ice or programs for promoting access to and adop-  
10 tion of fixed broadband internet access service for  
11 various demographic communities through various  
12 media for residential, commercial, or community  
13 providers, or academic establishments:

14                             (A) The Telecommunications and Tech-  
15 nology Program of the Appalachian Regional  
16 Commission.

17                             (B) The following programs of the Rural  
18 Utilities Service of the Department of Agri-  
19 culture:

20                             (i) The Telecommunications Infra-  
21 structure Loan and Loan Guarantee Pro-  
22 gram established under the Rural Elec-  
23 trification Act of 1936 (7 U.S.C. 901 et  
24 seq.).

(ii) Any program to provide grants, loans, or loan guarantees under sections 601 through 603 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.).

(iii) The substantially underserved trust area initiative under section 306F of the Rural Electrification Act of 1936 (7 U.S.C. 936f).

(iv) The Community Connect Grant Program established under section 604 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb-3).

(v) The distance learning and telemedicine grant program established under chapter 1 of subtitle D of title XXII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa et seq.).

(C) The following programs of the Economic Development Administration of the Department of Commerce:

### (i) The Public Works and Economic Adjustment Assistance Programs

(ii) The Planning and Local Technical Assistance Programs

(D) The following programs of the Department of Housing and Urban Development:

16 (iv) Assistance from the Public Hous-  
17 ing Operating Fund established under sec-  
18 tion 9(e) of the United States Housing Act  
19 of 1937 (42 U.S.C. 1437g(e)).

20 (v) The Multifamily Housing Pro-  
21 grams.

22 (vi) The Indian Community Develop-  
23 ment Block Grant Program.

24 (vii) The Indian Housing Block Grant  
25 Program under section 101 of the Native

1           American Housing Assistance and Self-Deter-  
2           mination Act of 1996 (25 U.S.C. 4111).

3               (viii) Loan guarantees under title VI  
4               of the Native American Housing Assist-  
5               ance and Self-Determination Act of 1996  
6               (25 U.S.C. 4191 et seq.) (commonly known  
7               as the “Title VI Loan Guarantee Pro-  
8               gram”).

9               (ix) The Choice Neighborhoods Initia-  
10              tive.

11               (x) The HOME Investment Partner-  
12              ships Program authorized under title II of  
13              the Cranston-Gonzalez National Affordable  
14              Housing Act (42 U.S.C. 12721 et seq.).

15               (xi) The Housing Trust Fund estab-  
16              lished under section 1338 of the Federal  
17              Housing Enterprises Financial Safety and  
18              Soundness Act of 1992 (12 U.S.C. 4568).

19               (xii) The Housing Opportunities for  
20              Persons With AIDS Program authorized  
21              under the AIDS Housing Opportunity Act  
22              (42 U.S.C. 12901 et seq.).

23               (E) The American Job Centers of the Em-  
24              ployment and Training Administration of the  
25              Department of Labor.

## (F) The Library Services and Technology Grant Programs of the Institute of Museum and Library Services.

(G) Any Universal Service Fund high-cost program authorized to help deploy fixed broadband internet access service.

(H) The following programs of the Department of the Treasury:

(i) The Coronavirus State Fiscal Recovery Fund under section 602 of the Social Security Act, as added by section 9901(a) of the American Rescue Plan Act of 2021 (Public Law 117-2).

(ii) The Coronavirus Local Fiscal Recovery Fund under section 603 of the Social Security Act, as added by section 9901(a) of the American Rescue Plan Act of 2021 (Public Law 117-2).

(iii) The Coronavirus Capital Projects Fund under section 604 of the Social Security Act, as added by section 9901(a) of the American Rescue Plan Act of 2021 (Public Law 117-2).

### (3) UNIVERSAL SERVICE FUND HIGH-COST PROGRAM.—The term “Universal Service Fund high-cost

1 program” has the meaning given the term in section  
2 903 of division FF of the Consolidated Appropriations Act, 2021 (47 U.S.C. 1307).

4 **SEC. 3. UNIVERSAL MINIMUM LEVEL OF SERVICE FOR FED-  
5 ERALLY SUPPORTED FIXED BROADBAND.**

6 (a) RULEMAKING.—Not later than 180 days after the  
7 date of enactment of this Act, the Federal Communications Commission, in consultation with the Secretary of  
8 Agriculture, the Secretary of Commerce, the Secretary of  
9 Housing and Urban Development, and the head of each  
10 other agency that provides assistance under a Federal  
11 broadband support program, shall conduct a rulemaking  
12 to establish a minimum level of service for fixed broadband  
13 internet access service assisted by a Federal broadband  
14 support program to ensure that such service can sup-  
15 port—

- 16
- 17 (1) virtual learning;
  - 18 (2) telehealth services; and
  - 19 (3) telework.

20 (b) MINIMUM LEVEL OF SERVICE.—The minimum  
21 level of service established under subsection (a) shall, in  
22 a technology-neutral manner, include—

- 23 (1) a minimum download speed;
- 24 (2) a minimum upload speed; and
- 25 (3) a maximum latency.

1                   (c) REQUIREMENT.—

2                   (1) IN GENERAL.—Except as provided in para-  
3                   graph (2), subject to subsection (e), and notwithstanding  
4                   any other provision of law, an agency may  
5                   not provide assistance under a Federal broadband  
6                   support program unless the fixed broadband internet  
7                   access service to be assisted meets or exceeds, or will  
8                   meet or exceed when deployed, the minimum level of  
9                   service established under subsection (a) that was in  
10                  effect on the date on which the agency made the de-  
11                  termination to provide the assistance.

12                  (2) INFEASIBILITY.—Paragraph (1) shall not  
13                  apply if the agency providing assistance determines  
14                  that the provision of fixed broadband internet access  
15                  service that meets or exceeds the minimum level of  
16                  service described in that paragraph is infeasible.

17                  (d) TECHNICAL AND CONFORMING AMENDMENT.—

18                  Section 601(e) of the Rural Electrification Act of 1936  
19                  (7 U.S.C. 950bb(e)) is amended—

20                  (1) in paragraph (1), by striking “at least—”  
21                  and all that follows through the period at the end  
22                  of subparagraph (B) and inserting “not less than  
23                  the minimum level of service established under sec-  
24                  tion 3(a) of the Broadband Parity Act of 2021.”;  
25                  and

1                             (2) in paragraph (2), by inserting “, subject to  
2                             the condition that the minimum acceptable level of  
3                             broadband service, as adjusted under this para-  
4                             graph, may not be less than the minimum level of  
5                             service described in paragraph (1)” before the period  
6                             at the end.

7                             (e) PROSPECTIVE APPLICABILITY.—This section and  
8                             the amendments made by this section—

9                             (1) shall apply to any determination of an agen-  
10                             cy to provide assistance under a Federal broadband  
11                             support program that is made on or after the date  
12                             of enactment of this Act; and

13                             (2) shall not affect any award of assistance  
14                             made under a Federal broadband support program  
15                             before the date of enactment of this Act.

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